

1 Total Pages: 3

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9 ATTORNEY FOR MOVANT  
 10 FINANCIAL SERVICES VEHICLE TRUST

11 UNITED STATES BANKRUPTCY COURT  
 12 EASTERN DISTRICT OF CALIFORNIA (FRESNO)

13 **IN RE:** Case No 19-12997  
 14 Virginia Reyes (Chapter 7 Proceeding)  
 15 DCN: CAS-001

16 **DECLARATION IN SUPPORT OF FINANCIAL**  
 17 **SERVICES VEHICLE TRUST'S MOTION FOR**  
 18 **RELIEF FROM STAY RE: 2017 BMW 5 Series**  
 19 **530i Sedan 4D**

20 Debtor. Date: September 11, 2019  
 21 Time: 9:30 A.M.  
 22 Location: 2500 Tulare Street, Fifth Floor,  
 23 Courtroom 13,  
 24 Fresno, CA 93721  
 Judge: Rene Lastreto II

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1 I, GREG ESMAN declare as follows:

2 1. I am a Bankruptcy Specialist employed by BMW Financial Services NA, LLC service provider  
3 for Financial Services Vehicle Trust ("Movant"). During the course of my employment, my duties include,  
4 but are not limited to, monitoring accounts for lapses in payment, lapses in insurance coverage, and handling  
5 respective customers' problems with their account.

6 2. I am the custodian and/or keeper of the business records referenced herein and, as such, I am  
7 qualified to certify the authenticity thereof. Additionally, I have personal knowledge of the matters stated in  
8 this Declaration except as to those stated on information and belief and as to those matters, I believe them to  
9 be true and correct. If called upon as a witness, I could, and would, competently testify to the facts contained  
10 herein.

11 3. I am informed and believe, and thereon allege that Debtor Virginia Reyes executed a written  
12 Lease Agreement for the lease of a 2017 BMW 5 Series 530i Sedan 4D (V.I.N. WBAJA5C30HG897227)  
13 ("Collateral"). True and correct copies of the Lease Agreement and Title for the Collateral are included as  
14 Exhibits A and B filed in conjunction with this motion and are incorporated herein by reference. The  
15 aforementioned agreement was duly assigned to Movant during the normal course of business on or about  
16 September 16, 2017.

17 4. Debtor's last payment to Movant was made on July 12, 2019. As of the date of this  
18 Declaration, Debtor's account is past due and the Movant is owed, 1.355 prepetition payment(s) at \$1,101.11  
19 per month for a total prepetition arrearage amount of \$1,492.05. Furthermore, Debtor has failed to make post  
20 petition payments for 1.000 month(s) at the contractual rate of \$1,101.11 per month for a total post-petition  
21 arrearage amount of \$1,101.11. Debtor will owe an additional sum of \$1,101.11 on August 16, 2019, and on  
22 the 16th of each and every month thereafter through September 16, 2020. See Exhibit A and D filed in  
23 conjunction with this motion and incorporated herein by reference.

24 5. Additionally, Debtor has no equity in the Collateral. The total amount of the debt is

Declaration in Support Of Financial Services Vehicle Trust's Motion for Relief from Stay

1 \$48,509.88. The value of the Collateral is \$35,778.00. See Exhibit C. Movant, in the normal course of  
2 business, uses Kelly Blue Book to assess the value of Collateral for similar year, make, model, and general  
3 features. Kelly Blue Book is used industry wide in the normal course of business as a resource to assess  
4 value. Movant followed proper processes using data similar to the Collateral while generating the report  
5 attached as Exhibit C.

6 6. The value of the Collateral is depreciating and continues to depreciate while no payments are  
7 being made.

8 7. Movant's interest, therefore, is not adequately protected and Movant requests relief from stay

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed this 30<sup>th</sup> day of JULY, 2019, in HILLIARD, OH.

11 BMW FINANCIAL SERVICES NA, LLC SERVICE  
12 PROVIDER FOR FINANCIAL SERVICES  
13 VEHICLE TRUST

14   
15 BY: GREG ESSMAN  
16 ITS: BANKRUPTCY SPECIALIST  
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